

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
February 11, 2020

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of Borough Hall on Tuesday, February 11, 2020 at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Hemphill, Council President Atwell, Councilmen Casazza, Conklin, Kingsbery, Rubin and Swikart.

Absent: None.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

David Marks, Borough Engineer, was present.

Mayor Hemphill declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2020 to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilman Rubin, seconded by Councilman Casazza, the minutes of the previous meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER RECEIVED FROM VICTORIA THOMPSON, SUPERINTENDENT OF THE MOSQUITO CONTROL DIVISION IN MONMOUTH COUNTY. THIS LETTER ADVISES THAT THE DIVISION HAS APPLIED TO THE NJDEP FOR FRESHWATER WETLANDS PERMITS, FLOOD HAZARD AREA PERMITS AND WATERFRONT DEVELOPMENT INDIVIDUAL PERMITS.

The Municipal Clerk/Administrator received a letter from Victoria Thompson, Superintendent of the Monmouth County Mosquito Control Division advising of the Division's application submission to the NJDEP. This application is in reference to Freshwater Wetlands permits, Flood Hazard Area permits and Waterfront Development Individual permits. A copy of all supporting documentation was also included with this letter.

On motion by Councilman Rubin, seconded by Councilman Casazza, this communication was ordered received. All in favor.

FOLLOW UP LETTER RECEIVED FROM DOUGLAS RICE OF SPLIT SECOND RACING REQUESTING PERMISSION TO HOLD THE FOURTEENTH ANNUAL NAVE-SINK-OR-SWIM 1.2 AND 2.4 SWIM BENEFITTING MELANOMA AWARENESS. THE USE OF VICTORY PARK ON MAY 24, 2020 IS BEING REQUESTED FOR STAGING OF THE EVENT. ORIGINAL LETTER OF REQUEST HAD INCORRECT DATE OF MAY 31ST.

The Municipal Clerk/Administrator received a second letter of request from Douglas Rice of Split Second Racing correcting his original date of the Fourteenth Annual Nave-Sink-or-Swim 1.2 and 2.4 Mile Swim benefitting melanoma awareness. He had originally requested to stage the

event in Victory Park on May 31, 2020 but is now requesting May 24, 2020 instead. All other details of the request remain the same.

On motion by Councilman Rubin, seconded by Council President Atwell, the request for the new date was granted and the communication was ordered received. All in favor.

LETTER RECEIVED FROM JOSEPH M. ETTORE, P.E., COUNTY ENGINEER AT THE DEPARTMENT OF PUBLIC WORKS & ENGINEERING. THIS LETTER GRANTS PERMISSION FOR THE CLOSING OF CR 10 (RIVER ROAD) BETWEEN BUENA VISTA AND CR 34 (RIDGE ROAD) IN THE BOROUGH OF RUMSON ON MARCH 8, 2020 FROM 11:30 A.M. UNTIL 3:00 P.M. FOR THE ANNUAL ST. PATRICK’S DAY PARADE.

The Municipal Clerk/Administrator received a letter from Joseph M. Ettore, P.E., Monmouth County Engineer advising of a road closure on CR 10 (River Road). This closure is being permitted at the request of the organizers for the Rumson Annual St. Patrick’s Day Parade. The road will be closed between Buena Vista and CR 34 (Ridge Road) on March 8, 2020 from 11:30 a.m. until 3:00 p.m.

On motion by Councilman Rubin, seconded by Council President Atwell, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

RESOLUTION 2020-0211-37 AUTHORIZING THE RELEASE OF CASH MAINTENANCE BONDS POSTED IN ASSOCIATION WITH SITE PLAN IMPROVEMENTS ON BLOCK 70, LOT 11.

2020-0211-37

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING
THE RELEASE OF CASH MAINTENANCE BONDS POSTED
IN ASSOCIATION WITH SITE PLAN IMPROVEMENTS ON BLOCK 70 LOT 11**

WHEREAS, Randolph Rosen has posted a two-year maintenance cash bond for various site improvements, in the amount of \$3,837.00 in accordance with the Borough Development Ordinance; and

WHEREAS, the Borough Engineer in his memorandum dated February 4, 2020 advised that all bonded improvements remain in satisfactorily condition and recommends the two-year maintenance cash bond in the amount of \$3,837.00 plus statutory interest be released; and

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the two-year maintenance cash bond in the amount of \$3,837.00, plus statutory interest, in accordance with the Borough Engineer’s February 4, 2020 memorandum.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0211-38 AUTHORIZING CHANGE ORDER NUMBER 2 FOR THE 2018 ROAD IMPROVEMENT PROGRAM-PHASE III LAFAYETTE STREET AREA IMPROVEMENTS.

2020-0211-38

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE CHANGE ORDER NUMBER 2
FOR THE 2018 ROAD IMPROVEMENT PROGRAM – PHASE III
LAFAYETTE STREET AREA IMPROVEMENTS**

WHEREAS, S. Brothers Inc., of P.O. Box 317, South River, NJ 08882, was awarded a contract with the Borough of Rumson for the Borough’s 2018 Road Improvement Program – Phase 3, Lafayette Street Area Improvements on July 9, 2019 in the amount of \$1,219,917.20; and

WHEREAS, certain field changes and supplemental work was deemed necessary during the project, and;

WHEREAS, quantities of certain items in the original contract have been adjusted to reflect as-built quantities and actual field conditions;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves Change Order Number 2 of the Borough’s contract with S. Brothers Construction for the Road Improvement Program – Phase 3, Lafayette Street Area Improvements, which change order will reflect the addition of certain requested supplemental and extra work resulting in an increase in the amount of \$8,692.00 and the change in certain materials and equipment resulting in a decrease of \$8,692.00, with a net increase of \$0.00, maintaining the total revised contract price at \$1,219,917.20. Said Change Order was recommended by the Borough’s Consulting Engineer in a letter dated February 5, 2020, a copy of which is on file in the Municipal Clerk’s office; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Chief Financial Officer.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0211-39 APPOINTING DEPARTMENT OF PUBLIC WORKS FULL TIME LABORERS JEREMY MCBAIN AND TIMOTHY MULHEREN EFFECTIVE FEBRUARY 16, 2020.

2020-0211-39

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson through its Department of Public Works has the need for two Laborers; and

WHEREAS, Jeremy McBaine and Timothy Mulheren applied and successfully interviewed for the full-time positions with the DPW Superintendent, DPW Foreman, Council Committee and Municipal Clerk/Administrator; and

WHEREAS, it has been recommended by the interviewers that Mr. McBaine and Mr. Mulheren be appointed as DPW Laborers;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that Jeremy McBaine and Timothy Mulheren be hired as a Department of Public Works Full-time Laborers effective February 16, 2020; and

BE IT FURTHER RESOLVED that Mr. McBaine and Mr. Mulheren each be paid an annual salary of \$32,500.00, with full benefits; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer and the Payroll Clerk.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0211-40 FIXING SALARIES OF CERTAIN BOROUGH OFFICERS, EMPLOYEES AND APPOINTEES.

2020-0211-40

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION FIXING SALARIES OF CERTAIN BOROUGH OFFICERS, EMPLOYEES AND APPOINTEES

WHEREAS, an ordinance entitled “AN ORDINANCE FIXING COMPENSATION OF BOROUGH OFFICERS AND CERTAIN BOROUGH EMPLOYEES IN THE BOROUGH OF RUMSON, NEW JERSEY” has been adopted following public hearing; and

WHEREAS, said ordinance provides for salary ranges of various job titles and positions; and

WHEREAS, it is the intention of the Mayor and Council to fix the salaries of those individuals who hold such positions;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the salaries of the officers and employees holding the positions set forth below, and subject to the salary ranges set forth in the aforementioned ordinance, are hereby fixed effective January 1, 2020, unless stated otherwise, as follows:

2020 SALARY AS

TITLE OF POSITION

OF JANUARY 1, 2020

Plumbing Subcode Official

(James Ammaturo, Jr.)

\$ 52,000.00

Communications and Recreation Coordinator

\$ 50,000.00

BE IT FURTHER RESOLVED that the above rates shall be retroactive to January 1, 2020.

Resolution seconded by Council President Atwell and carried upon the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0211-41 SUPPORTING THE MUNICIPAL PARTNERSHIP WITH MONMOUTH COUNTY FOR THE DCA CHALLENGE GRANT COMMUNITY RATING SYSTEM (CRS) MANAGEMENT SOFTWARE SHARED SERVICE PILOT PROGRAM.

2020-0211-41

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION SUPPORTING A MUNICIPAL PARTNERSHIP WITH MONMOUTH COUNTY FOR DCA CHALLENGE GRANT COMMUNITY RATING SYSTEM (CRS) MANAGEMENT SOFTWARE SHARED SERVICE PILOT PROGRAM

WHEREAS, the New Jersey Department of Community Affairs' (DCA) Division of Local Government Services (DLGS) works with counties and municipalities to streamline government operations and reduce cost and property taxes; and

WHEREAS, DCA offers communities opportunities to apply for Local Efficiency Achievement Programs (LEAP) Challenge Grants to achieve this goal; and

WHEREAS, New Jersey counties, municipalities, school districts, authorities, and fire districts are eligible to receive LEAP Implementation Grant funding to support a variety of costs related to investigating, developing, and undertaking a pioneering shared service project; and

WHEREAS, The County of Monmouth, as the project lead, is interested in applying for a LEAP program grant to develop and/or procure a Community Rating System (CRS) management software for use by the County's municipal partners that participate in the National Flood Insurance Program's (NFIP) CRS program; and

WHEREAS, The CRS program provides discounts to flood insurance policy holders in our community located in special flood hazard areas, improves our resiliency to future flooding, and protects the health, safety, and welfare of our residents; and

WHEREAS, The County would like to offer a CRS management software as a shared service to municipalities to streamline the extensive CRS documentation and administrative process that many CRS communities find burdensome, costly, time consuming, and sometimes prohibitive to their full participation in the CRS program; and

WHEREAS, The County seeks to provide this type of software as a shared services pilot program, free of charge to municipalities for the first year and at a discounted rate in subsequent years; and

WHEREAS, Municipalities interested in partnering with the County on this LEAP Challenge Grant proposal must submit a conforming resolution to the County that memorializes the municipality's commitment to completion of the proposed project.

NOW, THEREFORE, BE IT RESOLVED THAT, the Borough of Rumson shall be recognized as a joint applicant with Monmouth County for the purposes of submitting a LEAP Challenge Grant for the procurement and/or development of a Community Rating System (CRS) management software in establishing a new shared service pilot program that will benefit our community.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

RESOLUTION 2020-0211-42 AWARDDING BOROUGH CONTRACT TO LANCHA CONSTRUCTION IN THE AMOUNT OF \$640,707.28 FOR THE EAST RIVER ROAD CURB AND SIDEWALK IMPROVEMENTS-PHASE II PROJECT.

2020-0211-42

Councilman Rubin offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE THE AWARD OF A CONTRACT
FOR THE BOROUGH'S EAST RIVER ROAD (CR10) CURB & SIDEWALK
IMPROVEMENTS – PHASE II
TO LANCHA CONSTRUCTION CORP.**

WHEREAS, on February 7, 2020, six (6) sealed bids were received for the East River Road Curb & Sidewalk Improvement – Phase II project, which consists of the installation of concrete curbs, sidewalks, driveway aprons, and ADA accessible curb ramps along East River Road from Black Point Road to Bingham Avenue; and

WHEREAS, the Borough Council has reviewed the bids and considered the recommendations of the Borough Engineer and Borough Attorney; and

WHEREAS, the Borough Council finds that the lowest responsive bid from a responsible bidder, Lancha Construction Corp. of Jamesburg, NJ in the amount of \$640,707.28; and

WHEREAS, funds are available to award the contract;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that it does hereby accept the bid of Lancha Construction Corp., 3090 Englishtown Road, Jamesburg, New Jersey 08831 for a total bid in the amount of \$640,707.28 as recommended by the Borough Engineer by memorandum dated February 7, 2020, which is on file in the Municipal Clerk's Office; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute the contract documents; and

BE IT FURTHER RESOLVED that the contract be awarded subject to approval by the New Jersey Department of Transportation, the New Jersey of Labor, Office of Wage and Hour Compliance and the review and approval of bid documents by the Borough Attorney; and

BE IT FURTHER RESOLVED that the contract be awarded subject to a favorable determination from the New Jersey Department of Transportation.

Resolution seconded by Council President Atwell and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

ANNOUNCEMENT BY THE MAYOR:

Mayor Hemphill made the following announcement:

Borough Hall will be closed on Monday, February 17th in observance of Presidents’ Day. However, there will be garbage collection on February 17th.

Thank you.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Casazza offered the following Resolution and moved its adoption:

Vendor	Amount
MONMOUTH SPRINKLER CO INC	\$ 474.00
S. BROTHERS, INC.	\$ 166,607.20
T & M ASSOCIATES	\$ 249.00
T & M ASSOCIATES	\$ 4,342.00
T & M ASSOCIATES	\$ 14,348.25
T & M ASSOCIATES	\$ 166.00
T & M ASSOCIATES	\$ 3,210.47
CAPITAL FUND	\$ 189,396.92
ABSOLUTE FIRE PROTECTION CO.	\$ 74.34
AMERICANWEAR INDUST UNIFORMS	\$ 942.86
AMERICANWEAR INDUST UNIFORMS	\$ 1,178.30
ATLANTIC COAST FIBERS, LLC	\$ 4,712.60
STEPHEN BARRETT	\$ 60.00
BARGER & GAINES	\$ 2,000.00
BOB'S UNIFORM SHOP	\$ 1,131.69
BOB'S UNIFORM SHOP	\$ 191.00
TAMILA BUMBACK	\$ 63.62
CARROT-TOP INDUSTRIES	\$ 729.69
CIRCLE CHEVROLET INC	\$ 72.22
CME ASSOCIATES	\$ 697.00
COASTAL PEST CONTROL	\$ 80.00
MONMOUTH COUNTY TREASURER	\$ 2,394,995.14
MONMOUTH COUNTY TREASURER	\$ 171,179.28
MONMOUTH COUNTY TREASURER	\$ 276,559.82
DIRECT ENERGY BUSINESS	\$ 1,034.04
FAIR HAVEN HARDWARE INC	\$ 1.97
FAIR HAVEN HARDWARE INC	\$ 28.31
F & C AUTOMOTIVE SUPPLY INC	\$ 118.94
WW GRAINGER INC	\$ 1,500.78
GROFF TRACTOR MID ATLANTIC LLC	\$ 936.30
BRIAN J. HAND	\$ 176.94

STEPHAN HARTUNG	\$	720.00
HOLMAN FRENIA ALLISON, PC	\$	11,000.00
JASPAN HARDWARE	\$	4.67
JESCO, INC.	\$	124.96
MICHELE A MACPHERSON	\$	175.00
MCAA OF NJ-	\$	80.00
MGL PRINTING SOLUTIONS	\$	1,240.00
MID-ATLANTIC TRUCK CENTRE INC	\$	180.15
MONMOUTH MUNICIPAL JUDGES ASSO	\$	160.00
MONMOUTH COUNTY TREASURER	\$	75.00
NAJARIAN ASSOCIATES	\$	4,004.30
NAJARIAN ASSOCIATES	\$	15,221.90
NAYLOR'S AUTO PARTS	\$	161.39
NEXVORTEX, INC	\$	425.79
NJ FIRE EQUIPMENT CO	\$	95.31
NJ NATURAL GAS CO.	\$	1,638.63
STATE OF NJ PENSIONS/ACTIVE	\$	80,919.97
STATE OF NJ PENSIONS/RETIREE	\$	30,574.00
ONE CALL CONCEPTS	\$	121.78
PEP EXPRESS PARTS	\$	1,589.22
PILLARI LLC	\$	5,159.00
PMC ASSOCIATES	\$	9,471.80
PMC ASSOCIATES	\$	9,471.80
REALTY APPRAISAL COMPANY	\$	1,000.00
REALTY APPRAISAL COMPANY	\$	300.00
REPUBLIC SERVICES of NJ, LLC	\$	2,073.16
THOMAS S ROGERS	\$	21.29
THOMAS S ROGERS	\$	65.00
THOMAS S ROGERS	\$	26.51
THOMAS S ROGERS	\$	603.45
RANDOLPH J. ROSEN	\$	348.64
SIP'S PAINT & HARDWARE	\$	680.91
STAPLES CREDIT PLAN	\$	154.39
MICHAEL B STEIB, PA	\$	1,027.00
SUBURBAN DISPOSAL INC.,	\$	26,750.00
SUBURBAN DISPOSAL INC.,	\$	21,147.48
JEFFREY R SURENIAN & ASSO. LLC	\$	4,813.92
TARGETED TECHNOLOGIES LLC	\$	2,110.00
T & M ASSOCIATES	\$	551.76
MONMOUTH COUNTY TREASURER	\$	5,525.00
THE TWO RIVER TIMES	\$	189.10
VERIZON	\$	57.63
VERIZON WIRELESS	\$	632.65
VERIZON WIRELESS	\$	97.09
VERIZON BUSINESS FIOS	\$	144.99
GEORGE WALL LINCOLN	\$	991.99
WARSHAUER ELECTRIC SUPPLY	\$	8.46
WB MASON COMPANY,INC	\$	250.62
WB MASON COMPANY,INC	\$	619.99
WB MASON COMPANY,INC	\$	430.08
MARK WELLNER	\$	147.12
MARK WELLNER	\$	31.98
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CURRENT FUND	\$	3,101,879.72

FAIR HAVEN HARDWARE INC	\$	5.84
FOUNDATION FOR EDUCATIONAL	\$	298.00
LUCAS GLASS	\$	495.00
MICHAEL RUSSOMANNO	\$	180.00
USABL	\$	7,835.00
JOHN WERNER JR	\$	660.00
<i>RECREATION TRUST</i>	\$	<i>9,473.84</i>
RANDOLPH J. ROSEN	\$	3,837.00
MICHAEL B STEIB, PA	\$	754.00
<i>TRUST</i>	\$	<i>4,591.00</i>
NJ DEPARTMENT OF LABOR	\$	462.00
<i>UNEMPLOYMENT TRUST NEW</i>	\$	<i>462.00</i>
<i>Capital Fund</i>	\$	<i>189,396.92</i>
<i>Current Fund</i>	\$	<i>3,101,879.72</i>
<i>Recreation Trust</i>	\$	<i>9,473.84</i>
<i>Trust</i>	\$	<i>4,591.00</i>
<i>Unemployment Trust New</i>	\$	<i>462.00</i>
Total of All Funds	\$	3,305,803.48

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Atwell, Casazza, Conklin, Kingsbery, Rubin and Swikart.

In the negative: None.

Absent: None.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time.

Councilman Casazza shared that he, Council President Atwell and Environmental Commission Chairperson Kristen Rolfes-Hall will be visiting New Jersey American Water Company on Wednesday, February 19th to learn more about the town’s water and possible options for addressing plastic bottle use in the community.

The Mayor thanked Councilman Casazza for the update.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time.

Stu Sendell of 7D Lafayette Street approached the Council.

Mr. Sendell suggested having a public presentation before signing agreements with the United Way of Bergen County and Madeline so the public can see financial statements and background information on both organizations.

Mr. Sendell commented that at the last meeting, he had heard Municipal Clerk/Borough Administrator Thomas S. Rogers state that he was not comfortable with the idea of rental units in Rumson and he then gave his opinion on how helpful rental units would be with the affordable housing plan.

Mr. Rogers questioned Mr. Sendell as to the context from which those words may have been taken because rental units are certainly a part of the Borough's Affordable Housing Plan.

Mr. Sendell could not remember the context from which the words were taken but he said that Mr. Rogers was not happy with the idea of rental units.

Councilman Conklin interjected and stated that no one, including Mr. Rogers, the Mayor or anyone on the Council had ever made such a statement. Further, he stated that there had been no such discussion or even a conversation with those comments. That idea had never even been a part of the Borough's thought process.

The Mayor thanked Mr. Sendell for his comments.

ADJOURNMENT:

On motion by Councilman Rubin, seconded by Council President Atwell, the meeting adjourned at 7:52 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator